21

TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

No. 511.

THE UNITED STATES, APPELLANTS,

vs.

SHELDON W. WIGHT.

APPEAL FROM THE COURT OF CLAIMS.

FILED FEBRUARY 25, 1871.

SUPREME COURT OF THE UNITED STATES.

No. 511.

THE UNITED STATES, APPELLANTS,

vs.

SHELDON W. WIGHT.

APPEAL FROM THE COURT OF CLAIMS.

INDEX.

	Original.	Print.
Petition	1	1
Traverse and pleas	4	2
Final judgment by the court	5	3
Application for appeal by defendants	6	3
Order of Chief Justice Casey, allowing appeal	6	3
Application of claimant for cross-appeal	7	4
Order of Chief Justice Casey, allowing same	7	4
Findings of fact and of law	8	4
Certificate	11	5

1

U. S. Court of Claims.

Petition.—Filed Oct. 11, 1867.

U. S. Court of Claims.

SHELDON W. WIGHT
against
THE UNITED STATES. } 2917.

The petition of Sheldon W. Wight of the city of Savannah, in the State of Georgia, respectfully states and shews to your honors:

I. That, in the month of January, one thousand eight hundred and sixty-five, he was the owner and possessed of one hundred and eight bales of cotton, weighing (52,537) fifty-two thousand five hundred and thirty-seven pounds, of his own property, which were marked A. B., and numbered from (83) eighty-three to (190) one hundred and ninety, inclusive, and which were stored at the city of Savannah, in the State of Georgia; and which cotton was of the description known as upland.

II. That, on or about the ninth day of January, one thousand eight hundred and sixty-five, your petitioner, together with other citizens of Savannah, were required by an order of Major General Sherman
2 of the United States Army, to turn over all cotton in their possession to the officers of the United States, and to present with said cotton so turned over, invoices thereof; and your petitioner, in compliance with said order, did turn over the said cotton as aforesaid, so owned and possessed by him, to Colonel Ransom of said Army, he being duly authorized to receive the same, and delivered to him an invoice thereof.

III. That no receipt for said cotton was given to your petitioner, for the reason that your petitioner is informed and believes that said cotton, and the custody and disposition thereof was transferred to an agent of the Treasury Department of the United States, by authority of law.

IV. That said cotton, after its delivery to such agent of the Treasury Department by said military authority, was by such agent duly shipped and forwarded to the city of New York, where the same was sold, and the proceeds of such sale deposited in the Treasury of the United States, to the amount, as petitioner is informed and believes, of about twenty-one thousand dollars, (21,000 00) over and above all lawful costs and expenses attending the transportation, sale, and any other lawful expenses, attending the disposition thereof.

V. That your petitioner is the owner of said cotton, and has a right to receive the proceeds of the sale thereof; that he has at all times borne true allegiance to the Government of the United States, and has not in any way aided, or abetted, or given encouragement, or given any aid or comfort, to the late rebellion against the Government; and your petition claims to be paid said sum of twenty-one thousand dollars, the amount of the proceeds of such sale, under the provisions of sec-
3 tion (3) three, chapter (120) one hundred and twenty, of the act of Congress, entitled "An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States."

SHELDON W. WIGHT.

ADDISON S. DIOSSY,
Attorney and Counsel for Claimant,
71 *Nassau Street, New York City.*

UNITED STATES OF AMERICA,
State of New York, City and County of New York:

On this fourth day of October, one thousand eight hundred and sixty-seven, before me, Robert A. Adams, notary public, duly commissioned and sworn, and now dwelling in the city of New York, personally appeared Sheldon W. Wight, and signed the foregoing petition in my presence, and being by me duly sworn, did depose and say, that no assignment or transfer of the claim mentioned in the foregoing petition stated, or any part thereof, or any interest therein, has been made; that said claimant is justly entitled to the amount therein claimed from the United States, after deducting all just credits and offsetts, and that he believes the facts stated in said petition are true.

In witness whereof I have hereunto affixed my hand and official seal, the day and year first above written.

[L. S.] R. A. ADAMS, *Notary Public.*

4 In the United States Court of Claims, December term, A. D. 1867.

SHELDON W. WIGHT
vs.
THE UNITED STATES. } No. 2917.

And the said defendants, by their solicitor, come and make answer to the petition of the claimant herein; and, not confessing the same, or any part thereof, deny each and every the allegations therein contained, and call for strict proof of the same.

And as to so much of the said petition as sets forth and avers that the said United States are indebted to the said claimant in the sum of $31,000 00, the said defendants say that they are not indebted to the said claimant in the said sum of money, nor any part thereof.

And as to so much of the said petition as avers that the said claimant has at all times borne true faith and allegiance to the Government of the United States, and never voluntarily aided, abetted, or given encouragement to rebellion against the said Government, the said defendants deny the said allegation.

JOHN J. WEED,
Assistant Solicitor for United States.

And for a further plea to the said petition, the said defendants say that the said claimant ought not to have or maintain aforesaid action against the said defendants, because they say that the said claimant did not "within two years after the suppression of the late rebellion prefer his claim to the proceeds" of the property mentioned and described in the Court of Claims, as provided by the 3d section of the act of Congress approved March 12, 1863, and entitled "An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States."

JOHN J. WEED,
Assistant Solicitor for United States.

SHELDON W. WIGHT
vs.
THE UNITED STATES. } 2917.—Dec. term, 1868.

And for a further plea to the said petition, the said defendants say that the said claimant ought not to have or maintain his aforesaid action

against the said defendants, because they say that the said claimant, at the time of the filing of his said petition, was an alien; and that the said seizure and taking possession of the said property named in the said petition, and the said several acts and doings of the defendants, their officers, servants, and agents therein set forth, were made and done in the administration of, and in virtue and under color of, the act of Congress entitled "An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States," approved Mar. 12, 1863.

Whereby and by virtue of the provisions of the act of Congress entitled "An act regulating judicial proceedings in certain cases, for the protection of officers and agents of the Government, and for the better defence of the Treasury against unlawful claims," approved July 27, 1868, the claimant is barred of his said action against the defendants.

T. LYLE DICKEY,
Assistant Attorney General.

5 In the Court of Claims.

SHELDON W. WIGHT
vs.
THE UNITED STATES. } 2917.

And now, to wit, 25th of April, A. D. 1870, the court, upon due consideration of the premises, find in favor of the claimant, and do order, adjudge, and decree that the said Shelden W. Wight, claimant, have, and recover of and from the United States the sum of seven thousand & thirteen dollars *dollars* twenty cents, ($7,013 $\frac{20}{100}$.)

By the court:
A true copy of record.

6 In the Court of Claims, Dec. term, 1869.

SHELDEN W. WIGHT
vs.
THE UNITED STATES. } 2917.

To the Court of Claims:

The defendants hereby make application for the allowance of an appeal to the Supreme Court of the United States from the judgment rendered in this action on the 25th April, 1870, in favor of the claimant for the sum of $7,013 20.

May 26, 1870.

ROB'T S. HALE,
Special Counsel of Treasury Dep't.
THOMAS H. TALBOT,
Ass't Att'y Gen'l.

Filed in clerk's office, May 27, 1870.

AT CHAMBERS, *May* 28, 1870.

Ordered, That the appeal as prayed by defendants, in the case of Shelden W. Wight vs. The United States, 2917, be allowed.

JOSEPH CASEY,
Ch. Justice.

7 In the Court of Claims.

SHELDON W. WIGHT
vs.
THE UNITED STATES. } 2917.

To the Court of Claims:

The above claimant, Sheldon W. Wight, hereby makes application for the allowance of an appeal to the Supreme Court from the judgment rendered in this action on the 25th day of April, 1870.

Dated April 26, 1870.

ADDISON S. DIOSSY,
Counsel & Att'y for Claimant & App'l't,
39 Nassau st., City of New York.

Filed in clerk's office, 23 July, 1870.

AT CHAMBERS, *July* 23, 1870.

Ordered, That the appeal as prayed by claimant, in the case of Shelden W. Wight vs. The United States, 2917, be allowed.

JOSEPH CASEY,
Ch. Justice.

8 In the United States Court of Claims.

SHELDON W. WIGHT
vs.
THE UNITED STATES. } 2917.

The finding of facts and the conclusions of law on said facts on which the court founded its judgment.

This cause coming on to be heard the 25th day of April, 1870, before all of the judges of the Court of Claims, the said court finds as matters of fact—

The claimant asks judgment for the net proceeds of 108 bales upland cotton, alleged to have been captured by the United States military forces in Savannah, Georgia, and the court find the facts to be as follows:

1. The claimant is a Northern man by birth, but prior to and during the rebellion, he resided with his family in the city of Savannah, Georgia, up to the time the cotton in question was seized by the United States military forces.

2. During this time he was engaged as superintendent of the
9 "Central Cotton Press," at Savannah. This press was used for compressing cotton for all persons desiring it, and after the city was captured the claimant continued to compress cotton on this press for the United States, under the orders of Gen. Ransom, who is shown to have expressed his approval of the way and manner in which the work was executed.

3. A large quantity of cotton was found at this press, which afterwards was removed by the United States authority. The cotton claimed in this suit, as well also as that claimed in the case of Dillon vs. The United States, tried in this court, was stored at this press.

4. The claimant had cotton in Savannah, at the time of its capture;

a quantity was stored in the basement of his house, estimated by the witnesses to be from 50 to 60 bales; but only 40 bales are shown to have been seized there, and that number taken away, and borne on the registration books, as found in his cellar, No. 159 Congress street, marked, W. W.

5. The registration book also shows that two other lots were reported in the claimant's name, and marked W. W.; one, 69 bales, at
10 Wight's press, and the other, 9 bales, Harris' store—Wight's press. But there is no proof, establishing, to the satisfaction of the court, that the claimant owned any cotton other than the 40 bales stored in the basement of his house, on Congress street.

6. The court further find that this cotton—40 bales of upland cotton—was seized and transported to New York by the United States, and there sold, and the net proceeds paid into the Treasury, amounting to the sum of $7,013 20.

7. We also find that the claimant bore true allegiance to the United States, and gave no aid or comfort to the rebellion.

On these facts the court held, as a conclusion of law, that the claimant was entitled to recover the net proceeds of 40 bales of upland cotton, and gave judgment for $7,013 20.

By the court.

(Indorsed:) 2,917. Sheldon W. Wight vs. The United States.

11 In the Court of Claims.

SHELDON W. WIGHT
vs.
THE UNITED STATES. } No. 2917.

I, John Randolph, assistant clerk of the Court of Claims, do hereby certify that the foregoing are true transcripts of the pleadings in the above-entitled cause, and the final judgment of the court thereon; of the application of the counsel for the defendants, for the allowance of an appeal, as filed in the clerk's office, May 27, 1870, and of the order of the Chief Justice of said Court allowing the same; of the application for a cross-appeal by claimant, filed in the clerk's office, July 23, 1870, and of the order of the Chief Justice allowing said appeal; of the findings of fact and the conclusions of law on said facts on which the court founded its judgment.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at Washington, this 25th day of February, A. D. 1871.

[SEAL.]

JOHN RANDOLPH,
Ass't Clerk Court of Claims.

(Indorsement on cover:) No. 511. The United States, appellants, vs. Sheldon W. Wight. Court of Claims. Filed 25th February, 1871.